

SENATE BILL No. 112

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3-12.

Synopsis: Attorney fees in annexations. Requires a municipality that initiates an annexation to pay all court costs and reasonable attorney's fees if the annexation is remonstrated against and the court enters judgment against annexation.

Effective: July 1, 2007.

Gard, Drozda, Delph

January 8, 2007, read first time and referred to Committee on Local Government and Elections.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 112

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The circuit or
3 superior court shall:

4 (1) on the date fixed under section 11 of this chapter, hear and
5 determine the remonstrance without a jury; and

6 (2) without delay, enter judgment on the question of the
7 annexation according to the evidence that either party may
8 introduce.

9 (b) If the court enters judgment in favor of the annexation, the
10 annexation may not take effect during the year preceding the year in
11 which a federal decennial census is conducted. An annexation that
12 would otherwise take effect during the year preceding a year in which
13 a federal decennial census is conducted takes effect January 2 of the
14 year in which a federal decennial census is conducted.

15 (c) **This subsection does not apply to an annexation under**
16 **section 5 or 5.1 of this chapter. If the court enters judgment against**
17 **annexation, the defendant shall pay all court costs and reasonable**



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1 attorney's fees as approved by the court.

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